

REMARKS

In an Office Action dated June 23, 2008, the Examiner has apparently withdrawn the previous rejection of Claims 1-5, 7-13 and 16 under 35 U.S.C § 103(a) as being unpatentable over USPN 7,142,676 issued to Hillier et al. (“Hillier”) in view of USPN 6,336,121 issued to Lyson et al. (“Lyson”) and further in view of USPN 6,256,733 issued to Thakkar et al. (“Thakkar”), but has instead rejected them under 35 U.S.C § 103(a) as being unpatentable over the previously cited references to Hillier, Lyson and Thakkar in view of a newly cited reference to Proudler. Similarly, the Examiner has apparently withdrawn the previous rejection of 18-19 and 21 under 35 USC § 103(a) as being unpatentable over the previously cited references to Hillier, Lyson, Thakkar and US Pub. No. 2003/0194093 issued to Evans et al. (“Evans”), but has instead rejected them under 35 U.S.C § 103(a) as being unpatentable over the previously cited references to Hillier, Lyson, Thakkar and Evans in view of the newly cited reference to Proudler. Lastly, the Examiner has maintained the rejection of Claims 6, 14-15, 17 and 20 under 35 USC § 103(a) as being unpatentable over Hillier in view of Lyson and further in view of Evans.

In this response, Applicant respectfully traverses the rejections. Without admitting the propriety of the rejection of the claims, Applicant has amended independent claims 1, 10, and 18 in an effort to advance the prosecution of the instant application as quickly as possible. Support for the amendments is found throughout the specification and drawings, and no new matter has been added.

Applicant requests reconsideration of pending Claims 1-4, 6-12, and 14-21 in view of the amendments to the claims and arguments as set forth in detail in the following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 103

In support of the new and prior rejections of the claims under Section 103, the Examiner now variously relies on five references, Hillier, Lyson, Thakkar, Evans and the newly cited reference to Prouder. Although the Examiner has conceded that neither Hillier, Lyson, and Thakkar disclose a trusted platform module (TPM), as recited in the claims, the Examiner now argues that the newly cited reference to Prouder discloses the TPM. The Examiner further argues that, although Hillier does not disclose a TPM, it does disclose a third party processor being separate from the original and recipient processor, citing Figure 1 of Hiller. (See, Office Action, Page 2)

From this disclosure, the Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time of the invention “to include a TPM in Hillier in order to perform the encrypting operation in a TCPA (Trusted Computing Platform Architecture) specified chip as taught in Prouder”. (Office Action, Page 4, citing Prouder, Para. [0003]). Applicant disagrees.

Nevertheless, in an effort to advance the prosecution of the application as quickly as possible, Applicant has amended the independent claims to clarify the subject matter of the invention. The independent claims now explicitly recite a trusted platform module (TPM) that is not only separate from the entities between which the keys are being exchanged and has a public/private key pair that can be used to facilitate the exchange, but that also has a key infrastructure having at least three registers for performing the key exchange. Nothing in the cited references, including the newly cited reference to Prouder discloses the key infrastructure of the TPM as described and recited in the amended

independent claims. For at least this reason, Applicant submits that independent claims 1, 10 and 18 are patentable over the cited art, either alone or in combination, and respectfully requests that the Examiner withdraw the rejection of the claims under Section 103 of independent Claims 1, 10 and 18 under Section 103.

Applicant also again notes that the Examiner has already conceded that neither Hillier nor Lyson explicitly disclose the encrypting of keys using the public key of an entity, and reiterates the position that Thakkar doesn't disclose the encrypting of keys using the public key of an entity either, regardless whether that entity is a TPM or other type of entity. For at least this reason, Applicant submits that independent claims 1, 10 and 18 are patentable over the cited art, either alone or in combination, and respectfully requests that the Examiner withdraw the rejection of independent Claims 1, 10 and 18 under Section 103.

Dependent claims 2-4, 6-9, 11-12, 14-17 and 19-21 are allowable for at least the same reasons as independent Claims 1, 10 and 18, from which they respectively depend, as well as because of their additional limitations. Accordingly, Applicant requests the withdrawal of the rejection of dependent claims 2-4, 6-9, 11-12, 14-17 and 19-21.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, Claims 1-4, 6-12, and 14-21 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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